

**From:** Joan Armstrong/R3/USEPA/US  
**Sent:** 10/4/2012 4:32:50 AM  
**To:** "James Kenney" <Kenney.James@epamail.epa.gov>  
**CC:**  
**Subject:** Fw: RE: Cabot Inspections

Sent by EPA Wireless E-Mail Services

----- Original Message -----

**From:** Allison Gardner  
**Sent:** 10/03/2012 08:19 PM CDT  
**To:** Joan Armstrong; Suzanne Parent  
**Cc:** Karen Melvin; Cecil Rodrigues  
**Subject:** Fw: RE: Cabot Inspections

## Ex. 5 - Attorney Client

Allison F. Gardner  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street (3RC42)  
Philadelphia, PA 19103  
(215) 814-2631

-----  
This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the sender by return email, and delete or destroy this and all electronic and hard copies of this message and all attachments. Any unauthorized disclosure, use, distribution, or reproduction of this message or any attachments is prohibited and may be unlawful.  
-----

-----Forwarded by Allison Gardner/R3/USEPA/US on 10/03/2012 09:13PM -----

=====  
**To:** Allison Gardner/R3/USEPA/US@EPA  
**From:** "Rothschild, Lowell" <Lowell.Rothschild@bgllp.com>  
**Date:** 10/03/2012 06:16PM  
**Subject:** RE: Cabot Inspections  
=====

Allison –

Thanks very much for your email and for EPA's flexibility regarding the sites it wishes to inspect. Unfortunately, even with a limited number of sites, we still have the full range of Clean Air Act, Clean Water Act, EPCRA, and CERCLA issues to digest and analyze. We want to, and intend to, respond as soon as reasonably possible regarding access, but cannot do so, reasonably, by 9:00am tomorrow. Given our schedules on the one hand and EPA's ability on the other hand to deploy its resources elsewhere in the interim, I would propose that we provide you with a response by Monday. Please let us know if you have any concerns with that timing.

Thanks very much,

Lowell Rothschild, Senior Counsel  
Bracewell & Giuliani LLP

From: Allison Gardner [mailto:Gardner.Allison@epamail.epa.gov]  
Sent: Wednesday, October 03, 2012 4:04 PM  
To: Rothschild, Lowell  
Subject: RE: Cabot Inspections

Lowell,

Thanks for your email. You are correct -- these are simply routine inspections. Also, since the inspectors will only be available through tomorrow, EPA is reducing its request for access to just the Polanski and Bunnell sites.

I completely understand that, given the amount of information I provided to you this morning, it takes some time to review and discuss. As I mentioned when we spoke by phone yesterday, EPA plans to have its inspectors in the Susquehanna County area through Thursday. Therefore, I ask that you reply regarding access by 9:00 am tomorrow (Thursday) morning at the latest. I'm sure you understand that if EPA is unable to secure access for the Polanski and Bunnell sites, it would like to deploy its resources elsewhere to avoid wasting time and money.

Thank you.

Allison

Allison F. Gardner  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street (3RC42)  
Philadelphia, PA 19103  
(215) 814-2631

---

This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the sender by return email, and delete or destroy this and all electronic and hard copies of this message and all attachments. Any unauthorized disclosure, use, distribution, or reproduction of this message or any attachments is prohibited and may be unlawful.

---

From: "Rothschild, Lowell" <Lowell.Rothschild@bgllp.com<mailto:Lowell.Rothschild@bgllp.com>>  
To: Allison Gardner/R3/USEPA/US@EPA  
Date: 10/03/2012 03:45 PM  
Subject: RE: Cabot Inspections

---

Allison –

Thanks very much for your message and your email earlier this morning outlining in greater detail EPA's proposed inspections and the bases therefore. As I'm sure you'll understand, the breadth of the provisions EPA has cited (CAA 112(r)(1), 114(a)(1) and 114(a)(2); CWA 311(j) and 311(m); 40 C.F.R. Part 112; EPCRA 311, 312 and 325; and CERCLA 104(e)) is requiring a fair amount of internal discussion. It will be a little while before we can appropriately respond to EPA's request. Since we understand that EPA's request is just for a routine inspection and EPA has no reason to believe that Cabot is currently in noncompliance with any of these provisions, we presume that this will not be a problem; if we are wrong, or if EPA has any information suggesting that there may be a potential noncompliance, please let us know at your earliest convenience, so that we can, among other things, take all necessary and immediate steps to address EPA's concerns.

Thanks very much,

Lowell Rothschild, Senior Counsel

Bracewell & Giuliani LLP

From: Allison Gardner [mailto:Gardner.Allison@epamail.epa.gov]  
Sent: Wednesday, October 03, 2012 2:38 PM  
To: Rothschild, Lowell  
Subject: RE: Cabot Inspections

Lowell,

Is there any word from Cabot as to whether they will grant access for the inspections which we have been discussing. Please let me know as soon as you are able. Thank you.

Allison

Allison F. Gardner  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street (3RC42)  
Philadelphia, PA 19103  
(215) 814-2631

---

This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the sender by return email, and delete or destroy this and all electronic and hard copies of this message and all attachments. Any unauthorized disclosure, use, distribution, or reproduction of this message or any attachments is prohibited and may be unlawful.

---